



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Salem District Office  
1717 Fabry Road S.E.  
Salem, Oregon 97306

IN REPLY REFER TO:  
8320 (084)

January 28th, 2004

### **Fishermen's Bend Recreation Site Sewer and Electrical Upgrade Project**

Dear Interested Party:

The Field Manager of the Cascades Resource Area, Salem District, Bureau of Land Management has made a decision to upgrade the sewer and electrical infrastructure at Fishermen's Bend Recreation Site which is located in T. 9S., R. 2E., Section 25, WM, approximately 30 miles east of Salem, Oregon. A copy of this Decision Record is enclosed for your review. This decision is in conformance with the *Record of Decision for the Salem District Resource Management Plan (RMP)* signed in May 1995. An Environmental Assessment and a Finding of No Significant Impact for the proposed project have been completed and can be obtained from the Salem District Office, 1717 Fabry Road SE, Salem, Oregon, 97306, or from the Salem District Website at <http://www.or.blm.gov/salem/html/planning/index.htm>. For more information contact Laura Graves at (503) 315-5908 or [Laura\\_Graves@blm.gov](mailto:Laura_Graves@blm.gov).

**Appeals Process:** Individuals have the right to appeal this decision to the BLM, Salem District Manager and thereafter appeal to the Board of Land Appeals, Office of the Secretary, in accordance with the regulations of 43 Code of Federal Regulations, Part 4. The appeal to the District Manager must be filed in writing to the Salem District Office of the Bureau of Land Management within 30 days after the publication of the public notice of the Decision Record appears in the City of Salem's *Statesman Journal* (January 29th, 2004). If no appeals are filed, this decision will become effective and be implemented after the 30 day appeal period ends.

Sincerely,

Cindy Enstrom, Field Manager  
Cascades Resource Area

Enclosure: Fishermen's Bend Recreation Site Sewer and Electrical Upgrade Decision Record

**United States Department of the Interior  
Bureau of Land Management  
Oregon State Office  
Salem District, Cascades Resource Area**

**DECISION RECORD**

**Fishermen's Bend Recreation Site Sewer and Electrical Upgrade Project**

Environmental Assessment Number: OR-080-04-01

Section 25 of  
Township 9 South, Range 2 East, Willamette Meridian.  
Marion County, Oregon

**A. Background**

The Bureau of Land Management (BLM) proposes to upgrade the sewer and electrical infrastructure at Fishermen's Bend Recreation Site, which is located approximately 30 miles east of Salem.

Fishermen's Bend Recreation Site was constructed in the late 1960's. Since that time, very little work has occurred on the park's sewer system. At the request of the BLM, an evaluation of Fishermen's Bend's sewer system was recently conducted by OTAK Inc., an architectural and engineering firm. Based on current requirements of the Oregon Department of Environmental Quality, they found that several of the septic tanks and some of the drain fields were inadequate. They also found that campsite grey water sumps did not meet the Oregon Department of Environmental Quality's design standards for sumps. OTAK Inc. recommended going to a more centralized system, with the drain fields located further away from the North Santiam River. The work needed to install the new system, offered an opportunity to provide electrical hook-ups.

An environmental analysis was conducted and documented in the Fishermen's Bend Recreation Site Sewer and Electrical Upgrade Environmental Assessment (EA) and Finding of No Significant Impact (FONSI), Environmental Assessment (EA) Number OR080-04-01. Chapter 3 (Affected Environment) and Chapter 4 (Environmental Consequences) of the Fishermen's Bend Recreation Site Sewer and Electrical Upgrade EA and FONSI focused on five resource elements of the environment for which potential impacts were identified including: recreation, visual resources, soils, wildlife and vegetation. Other environmental elements were summarized in Appendix 1 of the EA.

A copy of the Fishermen's Bend Recreation Site Sewer and Electrical Upgrade EA and FONSI can be obtained from the Bureau of Land Management, Salem District Office, 1717 Fabry Road SE, Salem, Oregon 97306. Office hours are Monday through Friday, 7:30 A.M. to 4:00 P.M., closed on holidays. A copy is also available for review on the Internet at <http://www.or.blm.gov/salem/html/planning> under Environmental Assessments.

## **B. Decision**

Based on the analysis contained in the Fishermen's Bend Recreation Site Sewer and Electrical Upgrade EA, and management direction contained in the Salem District Resource Management Plan (RMP), I have decided to implement Alternative 1, the proposed action as described in the EA, herein known as the "selected alternative".

The selected alternative involves converting six individual restroom septic systems to a more centralized sewer system with two larger drain fields. All existing sewer tanks would be decommissioned and new tanks would be installed. Existing campsite sumps would be replaced with a gray water disposal and trailer/RV sewer connection that would be hooked into the centralized sewer system. Electrical 100 amp hook-ups would be installed in the campsites utilizing the same trenches. Four 100 amp hook-ups would also be installed in each of the three group camps. Sewer tanks and drain fields at the park's administrative headquarters would also be upgraded. Sewer and electrical facilities at volunteer host sites would be upgraded and utility islands would be installed where needed.

## **C. Alternatives Considered**

The alternatives considered in detail included the required "no action" alternative, and the proposed action alternative which initiated the environmental analysis process. Descriptions of the alternatives analyzed in detail are contained in the Fishermen's Bend Recreation Site Sewer and Electrical Upgrade EA (December 2003), pages 8-14.

## **D. Reasons For The Decision**

Considering public comment, the content of the Fishermen's Bend Recreation Site Sewer and Electrical upgrade EA, the supporting project record, and the management direction contained in the Salem District RMP, I have decided to implement the selected alternative, as previously described. My rationale for this decision follows:

The proposed sewer system would bring waste water management at Fishermen's Bend Recreation Site into compliance with the current requirements of the Oregon Department of Environmental Quality. The proposed drain fields would be located farther from the North Santiam River than the current drain fields, reducing the chance of any potential waste water inputs into the river. Campers would have the added amenity of sewer hook-ups at individual campsites. This would also reduce the load on the park's dump station increasing its potential longevity for serving the remaining group sites.

The addition of the electrical hook-ups would reduce the reliance of larger vehicles on generators and the noise they make. The electrical hook-ups in the group camps would provide additional service and help reduce the pressure on the existing outlets and the potential for unsafe overloads.

The improved sewer and electrical hook-ups for host sites would assist in attracting and retaining quality volunteer hosts that play a critical role in maintaining the park. The utility islands for the host sites in the Group Loop would reduce tripping hazards and provide a safety barrier between host vehicles and oncoming traffic.

If the no action alternative were selected, the sewer facilities would continue to be inadequate for meeting Oregon Department of Environmental Quality standards. As individual systems at each restroom fail, the septic tank would need to be replaced and new drain fields installed. This would involve a relatively high level of disturbance near the restrooms. The closure or replacement of the campsite grey water sumps may be required, causing similar campsite disturbance to the hook-ups described for proposed action without the added benefit of sewer and electrical hook-ups. Those campers needing electrical power would continue to rely on generators and the noise disturbance associated with generators would continue. If additional hook-ups for group camps are not provided, the existing outlets may need to be removed to reduce safety concerns associated with over use.

## **E. Public Involvement and Comment Period**

In the summer of 2002, displays were put up at Fishermen's Bend Recreation Site asking for visitors to comment on several potential park improvements which included the addition of sewer and electrical hook-ups. Of the 25 responses received, 48 percent indicated support for electrical hook-ups, 12 percent indicated support for sewer hook-ups and 12 percent indicated they did not support electrical and sewer hook-ups. In the summer of 2003, a formal visitor survey was conducted using a standard survey form for the fee demonstration program. One of five site specific questions asked visitors if they would be in favor of electrical hook-ups in the camp and group sites. Of the 126 responses received, 60 percent indicated that they somewhat to strongly supported having electrical hook-ups, 14 percent were neutral, 21 percent somewhat to strongly opposed the electrical hook-ups and five percent left the question blank.

On October 20<sup>th</sup>, 2003 over 900 scoping packets were sent out to potentially affected and/or interested individuals, groups, and agencies. The packets contained a map and description of the proposed sewer and electrical upgrades and a comment sheet. A total of nine responses were received and eight of the nine expressed general support for the proposed action. None of the responses expressed opposition to the project. The BLM response to the scoping comments received are contained in Appendix 2 of the Fishermen's Bend Sewer and Electrical Upgrade EA. Additional input was sought from the public, the City of Salem and the Oregon Department of Environmental Quality (ODEQ) as part of the

process for obtaining a Large Onsite Water Pollution Control Facilities Permit from ODEQ.

The Fishermen's Bend Recreation Site Sewer and Electrical Upgrade EA and FONSI were made available for a 30-day public review period starting on December 16<sup>th</sup>, 2003 and ending on January 16<sup>th</sup>, 2004. Four copies of the EA and FONSI were sent to the individuals that checked the box on their scoping comments sheet requesting a copy. Twenty-one letters announcing the availability of the EA and FONSI were sent out to notify agencies, tribes, groups, legislators, and individuals that have expressed general interest in environmental planning and decision-making processes. A legal notice announcing the availability of the EA and FONSI was also published on December 16<sup>th</sup>, 2003 in the City of Salem's *Statesman Journal*. A copy of the EA and FONSI was also made available for review in the visitor area at the Salem District Office, Cascades Resource Area Office, 1717 Fabry Road SE, Salem, Oregon 97306 and on the Internet at <http://www.or.blm.gov/salem/html/planning>.

## **F. Comments Received**

No public comments were received as a result of the public notices or letters sent out requesting public input.

## **G. Implementation**

Implementation of this decision may begin 30 calendar days after the public notice of the Decision Record appears in the City of Salem's *Statesman Journal*. The public notice is scheduled to appear in the *Statesman Journal* on Thursday, January 29<sup>th</sup>, 2004.

## **H. Right to Appeal**

This decision may be appealed to the Interior Board of Land Appeals (Board), Office of the Secretary, in accordance with the regulations contained in 43 Code of Federal Regulations (CFR), Part 4 and the enclosed Form 1842-1 in Appendix 1 of this document. If an appeal is taken, your notice of appeal must be filed in this office within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Board and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

### Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

### **I. Contact Person**

For additional information concerning this decision or the appeal process, contact Laura Graves at (503) 315-5908 or Carolyn Sands at (503) 315-5973, Cascades Resource Area, Salem District Office, 1717 Fabry Road SE Salem, OR 97306.

Approved by: Cindy Enstrom 1/25/04  
Cindy Enstrom Date  
Cascades Field Manager

## Appendix 1: Appeal Form 1842-1

Form 1842-1  
(February 1985)

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

### INFORMATION ON TAKING APPEALS TO THE BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you.

**AND**

2. You believe it is incorrect.

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED:

1. **NOTICE OF APPEAL** . . . . . Within 30 days file a *Notice of Appeal* in the office which issued this decision (see 43 CFR Sections 4.411 and 4.413). You may state your reasons for appealing, if you desire.

2. **WHERE TO FILE  
NOTICE OF APPEAL-**

**Responsible Official**  
Bureau of Land Management  
1717 Fabry Road S.E.  
Salem, OR 97306

**SOLICITOR  
ALSO COPY TO-**

Regional Solicitor  
Pacific Northwest Region  
500 N.E Multnomah St., Suite 607  
Portland, OR 97232

3. **STATEMENT OF REASONS** . Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the **Interior Board of Land Appeal, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St. Suite 300, Arlington, VA 22203**. (see 43 CFR Sec. 4.412 and 4.413). If you fully stated your reasons for appealing when filing the Notice of Appeal, no additional statement is necessary.

**SOLICITOR  
ALSO COPY TO-**

**SAME AS 2B**

4. **ADVERSE PARTIES** . . . . . Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the *Notice of Appeal*, (b) the Statement of Reasons, and (c) any other documents filed (see 43 CFR Sec. 4.413). Service will be made upon the Associate Solicitor, Division of Energy and Resources, Washington, D.C. 20240, instead of the Field or Regional Solicitor when appeals are taken from decisions of the Director (WO-100).

5. **PROOF OF SERVICE** . . . . . Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of the Secretary, Board of Land Appeals, 4015 Wilson Blvd., Arlington, VA. 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (see 43 CFR Section 4.401(c)(2)). Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.

*Unless these procedures are followed your appeal will be subject to dismissal (see 43 CFR Sec. 4.402). Be certain that all communications are identified by serial number of the case being appealed.*

NOTE: A document is not filed until it is actually received in the proper office (see 43 CFR Sec. 4.401(a)).

## SUBPART 1821.2 - - OFFICE HOURS; TIME AND PLACE FOR FILING

Sec. 1821.2-1 *Office hours of State Offices.* State Offices and the Washington Office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified in this paragraph on Monday through Friday of each week, with the exception of those days where the office may be closed because of a national holiday or Presidential or other administrative order. The hours during which the State Offices and the Washington Office are open to the public for filing of documents and inspection of records are for 10 am to 4 pm, standard time or daylight saving time, whichever is in effect at the city in which each office is located.

Sec. 1821.2-2(d). Any document required or permitted to be filed under the regulations of this chapter, which is received in the Winnemucca Field Office, either in the mail or by personal delivery, when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

Sec. 1821.2-2(e). Any document required by law, regulation, or decision to be filed within a stated period, the last day of which falls on a day the Winnemucca Field Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.